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JULIANNA PAK and MARK PAK

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE DISTRICT OF NEVADA

22 MICROSOFT CORPORATION,
23 Plaintiff,

24 v.

25 JULIANNA PAK, an individual
26 d/b/a IBENEVOLO and
27 IBENEVOLO.COM; JULIANNA
PAK, an individual; and MARK
PAK, an individual,

28 Defendants.

Case No. 16-cv-00452-GMN-VCF

STIPULATED DISCOVERY PLAN

**SUBMITTED IN COMPLIANCE
WITH LOCAL RULE 26-1 (e)**

1 Plaintiff Microsoft Corporation (“Microsoft” or “Plaintiff”) and Defendants
2 Julianna Pak, an individual d/b/a Ibenevolo and Ibenevolo.com; Julianna Pak, an
3 individual; and Mark Pak, an individual (“Defendants”) submit this Stipulated
4 Discovery Plan and Proposed Order pursuant to Rule 26(f) of the Federal Rules of
5 Civil Procedure, and applicable Local Rules.

6 **RULE 26(f) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

7 **1. Disclosures**

8 Pursuant to Rule 26(a)(1), the parties will provide their disclosures within 14
9 days of the date of filing the Stipulated Discovery Plan. The parties do not require
10 any changes in the form of requirements of the disclosures.

11 **2. Proposed Discovery Plan**

12 The parties believe that discovery will be needed on the subjects of
13 Microsoft’s claims, defendants’ defenses, and damages. The parties agree that
14 discovery should be completed by November 21, 2016, as set forth below. The
15 parties do not believe discovery should be conducted in phases.

16 **3. Electronically Stored Information**

17 The parties will produce documents using practical and efficient means. If
18 the parties, confront issues concerning their production of documents, they will
19 meet and confer in an attempt to resolve such issues.

20 **4. Issues Relating to Claims of Privilege**

21 The parties agree to promptly return to the other any documents the other
22 party claims are privileged but were inadvertently produced. The party returning
23 such documents under these circumstances shall retain the right to challenge the
24 assertion of privilege.

25 **5. Limitations on Discovery**

26 The parties do not believe at this time that any changes should be made in the
27 limitations on discovery imposed by the Federal Rules of Civil Procedure.
28

1 **6. Protective Orders**

2 The parties will discuss an appropriate stipulated protective order. In the
3 event that the parties do not agree on the terms, the parties may also bring motions
4 for protective orders.

5 **7. Alternative Dispute Resolution**

6 The parties agree to participate in a mediation by October 27, 2016.

7 **LOCAL RULE 26-1**

8 Pursuant to Local Rule 26-1, counsel for the parties propose the following:

9 **1. Discovery Cut-Off Date**

10 Defendants answered on May 25, 2016. The parties request 180 days for
11 discovery, as suggested by the Local Rule, and a discovery cut-off of November 21,
12 2016.

13 **2. Deadline to Amend the Pleadings and Add Parties**

14 The parties propose to set this deadline ninety (90) days before the discovery
15 cut-off, making it August 23, 2016.

16 **3. Fed.R.Civ.P. 26(a)(2) Expert Disclosures**

17 The parties propose to set the expert disclosure deadline sixty (60) days
18 before the discovery cut-off, making it September 22, 2016.

19 The parties propose to set the rebuttal expert disclosures deadline thirty (30)
20 days before the discovery cut-off, making it October 24, 2016.

21 **4. Deadline to File Dispositive Motions**

22 In light of the December holidays, the parties propose to set this deadline
23 sixty (60) days after the discovery cutoff, making it January 20, 2016.

24 **5. Deadline for Joint Pretrial Order**

25 The parties propose to set this deadline thirty (30) days after the date set for
26 filing dispositive motions, making it February 20, 2017. In the event dispositive
27 motions are filed, the date for filing the joint pretrial order shall be suspended until
28

1 thirty (30) days after decision of the dispositive motions or further order of the
2 Court pursuant to the Local Rule.

3 **IT IS SO STIPULATED:**

4
5 DATED: July 6, 2016

PERKINS COIE LLP

6 By: /s/ Audra Mori
7 Audra Mori

8 Attorneys for Plaintiff MICROSOFT
9 CORPORATION

10
11 DATED: July 6, 2016

LEXERO LAW

12 By: /s/ Eric J. Menhart
13 Eric J. Menhart

14 Attorney for Defendants JULIANNA PAK and
15 MARK PAK

16
17
18 **IT IS SO ORDERED:**

19
20
21 _____
22
23 **UNITED STATES DISTRICT JUDGE**

24 DATED: _____
25
26
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